

**Big Cypress National Preserve
ORV Advisory Committee Meeting
August 17, 2010
Big Cypress Swamp Welcome Center
Ochopee, Florida
3:30 PM**

Minutes of the Meeting

Attendance: Committee members present: John Adornato, Franklin Adams, Marsha Connell, David Denham, Win Everham, Manley Fuller, Karl Greer, Chuck Hampton, Wayne Jenkins, Laurie Macdonald, Barbara Jean Powell, Jorge Gutierrez, John Adornato, Brad Cornell, Curt Witthoff, Manley K. Fuller

Welcome: The meeting was opened with the Pledge of Allegiance lead by Wayne Jenkins, and recognition of combat wounded military veterans and other veterans in attendance.

Deputy Superintendent J.D. Lee, filling in for Superintendent Pedro Ramos, extended the superintendent's appreciation to Committee members and the public for participating in the ORV Advisory Committee (ORVAC) public process. He welcomed Chuck Collins, regional director of partner agency FL Fish and Wildlife Conservation Commission (FWC), who will be monitoring and assisting at ORVAC meetings. Mr. Collins expressed his pleasure in participating in the ORVAC process.

Mr. Lee requested that comments be reserved for the scheduled public comment periods and asked speakers to please respect the three minute time limit when offering their remarks.

Delia Clark reviewed her role as meeting facilitator, which is to remain neutral on the issues and to assure a great public process. Ms. Clark gave an overview of the agenda.

Committee members were introduced, including new Committee member Brad Cornell, of Collier County Audubon and FL Audubon.

Ms. Clark reviewed the process and methods by which members of the public can offer input: oral comments, by letter, phone, online, or upon committee member request for information. She asked that comments be directed toward the committee rather than staff.

Ms. Clark announced that Barbara Jean Powell would be assisting with the minutes of the meeting, and informed attendees that the meeting was being video taped.

Approval of the June 22, 2010 Meeting Minutes: Ms. Clark reviewed the new protocol for conveying recommendations from the committee. Solid recommendations will be presented to the Preserve superintendent in the form of a memorandum which will be attached to the minutes of the meeting and approved at the next ORVAC meeting. The first such memo, dated July 16, 2010, is titled *Recommendations for Options for Managing Trail Terminus Areas*. Although this first memo was not attached to the June minutes, the content is reflected in those minutes. Minor edits were offered by Franklin Adams and inserted later to clarify that the addition of native limestone fill to harden trail surfaces is not only the least acceptable option, but also the least cost effective.

Ms. Clark requested that in the second paragraph of the minutes under the "Welcome" category the phrase "democracy-type committee" be stricken, clarifying that the committee strives to achieve solutions by consensus rather than by vote. The minutes were approved as corrected.

Ms. Clark announced her intent to present at the October 2010 ORVAC meeting memos to the superintendent reflecting all prior committee recommendations. Upon committee approval, these memos will be entered into the minutes of that meeting.

Superintendent's Report: Mr. Lee again welcomed Mr. Cornell and Mr. Gutierrez to the committee and reported that both had already participated in the ORVAC Federal Advisory Committee Act (FACA) training course. Mr. Lee announced that the designated trail system in the Turner River Unit was implemented on August 6, 2010. He indicated that while the trail system in this unit may not be perfect, it is substantially complete. The next step in the trail implementation process will be the Corn Dance Unit and Zones Two and Three of the Stairsteps Unit. A public meeting to solicit input for these units was rescheduled for September 15, 2010, from 5 PM until 7:30 PM at Oasis Visitor Center. Mr. Lee announced that as of August 12, 2010, all of ORV permits for the year 2010 were sold out.

Mr. Lee solicited questions from committee members. Mr. Adams observed that most committee members were still under the assumption that the secondary trail system in the Turner River Unit was incomplete and asked for clarification that work will continue on secondary trails. Mr. Lee responded that this is correct.

Distribution of meeting packet to committee members: Damon Doumlele reviewed materials contained in the committee's meeting packets. They included correspondence received since the last ORVAC meeting that had not yet been posted on the PEPC site, along with Superintendent Ramos' replies to same. Also included in the packet were two items related to scientific research. Ron Clark, Chief of Resource Management, was to have made a presentation on this subject but was unable to attend the meeting, so the agenda item was deferred until the October 2010 ORVAC meeting.

Managing Trail Pull-offs, Disbursed Camping: Delia Clark displayed flip charts from the April 6, 2010 ORVAC meeting, which identified issues to be addressed. She reminded committee members they were sent a memo on June 14, 2010 which summarized the issues depicted. Ms. Clark urged the committee to strive toward a goal of developing final recommendations. She asked Chief Ranger Ed Clark to explain the interim guidelines staff will be using pending receipt of formal recommendations from the committee.

Mr. Clark said the guidelines were developed in question and answer format, as follows:

Q: Can I leave the designated trail to ride my ORV to set up a camp site, place a tree stand, retrieve game, or for some other reason?

A: No. All ORV operation must take place on a designated trail, however you may park your ORV along a designated corridor in such manner as to allow other ORVs to safely drive by, and hike from that point to participate in recreational activities.

Q: What are the guidelines for public use of a secondary trail that ultimately terminates at a private property?

A: Until otherwise published by the NPS, recreational secondary trails that also lead to private property will be closed to public use approximately 100 feet from the private property line, or at the most reasonable turnaround spot along the trail, or prior to the trail crossing sensitive habitat, as determined by the NPS. At this point a sign will be posted reading "Authorized Vehicles Only beyond This Point". NPS and authorized landowners and their visitors may travel beyond the posted sign on the designated trail in order to gain private property access. It will be up to the property owner to post signs or erect fencing or gates to alert the public that they are unwelcome on their property. Signs, fencing, and gates may not be erected on NPS property. Once posted, if there is a violation of private property it is the obligation of the landowner to contact the Collier County Sheriff's office, as the NPS does not have jurisdiction on private property.

Committee members discussed the interim guidelines and asked questions. Mr. Clark clarified that the public segments of the secondary trails will not be closer than 100 feet from private property lines. Mr. Adornato asked if the NPS has seen many violations in the brief period since the designated trails have been in place. Mr. Clark responded reports from the field indicate there have been instances of ORV operators leaving the trail, for example to set up tent camps.

Jorge Gutierrez expressed concern about response time if landowners must rely solely upon the sheriff's office, and asked for clarification of NPS and Collier County law enforcement jurisdictional issues. Mr. Clark explained that concurrent jurisdiction is determined by state law for all NPS units. Under Florida law the governor can only grant concurrent jurisdiction on property the NPS actually owns. If an incident takes place within the Preserve's that is outside the NPS jurisdiction, the NPS can assist the jurisdictional agency with access. For this reason, Mr. Clark advised landowners to report incidents to the Collier County Sheriff's office and to the NPS, as well.

In response to an inquiry from Wayne Jenkins, Mr. Clark affirmed the NPS has a Mutual Aid Agreement with Collier County for serious emergencies which permit the NPS to take actions on behalf of the other agency until their officers arrive. This does not permit the federal agency to make arrests, however. The NPS cannot make arrests for minor offenses such as trespass, but is permitted to freeze a scene (hold an offender) related to serious crimes such as burglary. The county agriculture law enforcement unit has its own swampbuggies and airboats and has full access to the preserve. Florida Fish and Wildlife Conservation Commission officers have full arrest authority throughout the State of Florida and frequently patrol the Preserve.

Delia Clark directed the committee's attention back to the identified issues. She reminded them that NPS interim rules will stand until the committee develops alternatives, and urged them to try to find at least some issues on which they could reach consensus recommendations for staff consideration:

General Considerations

- Distances – how far from trails should parking for hunting and wildlife viewing/photography and camping be allowed? Should the distance be specified initially, or kept more loosely defined at first?
- Habitats – should pull-offs be allowed in all habitats or just upland?
- Enforcement – how can these rules be clearly understood and enforced?

Dispersed Camping

- Should there be a specified minimum distance from a trail for camp set-up, such as 100 yards, or a looser definition initially, such as "in close proximity"?
- Should there be designated camp spots with no improved facilities, or should dispersed camping occur freely in upland areas, or should there be a mix of both?
- Should the equipment allowed off-trail be specified? (Buggy? Tent? Generators?)
- Should there be recommended habitats, such as upland?

- What should be the recommendation regarding monitoring of “primitive camping” to prevent impacts at regularly used sites?

Game Retrieval

- Should vehicles be allowed to leave the trails for game retrieval and to place tree stands?
- If so, under what circumstances? How far from the trail? And how will it be enforced?
- To what level can or should the preserve recommend field dressing and retrieving game without a vehicle?

Security and Enforcement

- How should “primitive camping” be monitored to prevent impacts at regularly used sites?
- What role should “Leave No Trace” principles play?
- How can security be ensured as the population changes?
- How can these rules be made clear to the public and the rangers? How can they be enforced?

Committee members discussed the issues:

Mr. Adams observed that the public has had to give up thousands of miles of trails and they accept the fact that remaining use will be on designated trails. He expressed concern that due to legal limitations the pull-offs might not resolve the issue of getting people where they want and need to go. He warned that without a functional secondary trail system which provides a means of retrieving game, setting up tree stands, or camping, many people will be unable to hunt.

Mr. Adornato agreed with Mr. Adams that the secondary trail system should be robust enough to let these activities occur. He expressed the opinion that the committee will be unable to effectively address secondary trails and enforcement issues without knowing the general provisions in advance, and urged that the discussion take place in the proper sequence to effectively address the issues.

Mr. Jenkins said that he and many others tent camp in the Preserve. He observed that the size of pine islands vary, with some high, dry uplands averaging one half to three-quarters of a mile wide. Mr. Jenkins reminded committee members that Page 16 of the 1995 Settlement Agreement which preceded the ORV Plan provides for designated trails or *use areas*. He proposed allowing corridors extending 100 yards on either side of the designated trail on upland habitat. He emphasized he was not suggesting vehicles should be permitted to crash palmettos and trees, but rather corridors within the “Leave No Trace” guidelines for the purpose of placing tree stands, retrieving game, camping, and so forth.

Brad Cornell said Mr. Adam's suggestion about a functional secondary trail system reflected common sense and suggested it be further explored. He questioned how "upland habitat" would be defined under Mr. Jenkins' proposal for upland corridors. He is concerned about possible adverse consequences for hydric pine habitat, which looks similar to uplands, especially during the winter months.

A question was raised whether the proposed corridors would be designated areas on a map and identifiable with signs, or if they would be determined by operator judgment. Mr. Jenkins responded that it is a matter of common sense and elevation: hard dry ground is easily recognized and if one sees they are starting to make ruts, it is time to back up and get out of there.

Mr. Gutierrez expressed the opinion that in the interim until the primary and secondary trail systems are further developed and finalized, there needs to be more leeway to accommodate game retrieval, etc., in order to meet the access needs of people of all ages and fitness levels, not just sportsmen, but general recreationalists as well. Later, as more trails come on board the issue can be revisited. Mr. Gutierrez expressed concern that it will be too great a change to go directly from dispersed use to a highly restrictive, incomplete trail system with the intent of increasing access again at a later time.

Karl Greer observed that nobody chooses to camp in water. As for being told where to camp (designated backcountry camp sites), Mr. Greer observed that people seek the backcountry for the sense of freedom and the ability to reach places dear to their hearts. He worried that people would be compelled to camp long distances from their traditional sites only to arrive at designated sites to find them occupied. Mr. Greer expressed support for Mr. Jenkins' recommendation for upland corridors 100 yards wide on either side of the trail.

Manley Fuller expressed support for Mr. Jenkins' upland corridor recommendation. He observed that vegetation mapping technology is so good nowadays that the Preserve could identify a number of areas that would be suitable to camp. He suggested color-coded maps be distributed to the public to guide them to indisputably upland camping areas.

Edwin Everham was concerned with the idea of starting with looser guidelines now and tightening them up later, which is a problem everybody has complained about. Regarding an earlier statement that it is a matter of common sense and elevation, Mr. Everham remarked how uncommon common sense often is, and worried how an open rule allowing upland areas within 100 yards/meters might be interpreted in the field. He felt misinterpretation could result in resource damage.

Laurie Macdonald asked a series of clarifying questions to determine that currently hikers using the Preserve can camp anywhere, and she asked why vehicle owners cannot park and hike to camping sites as well. Using a sketch on a flip chart, she guided the committee into envisioning various scenarios where the habitat within 100 yards of the trail varies between dry upland and wet areas. She asked for clarification on how wet areas within the 100 yard spans would be protected, and how general over use of these areas would be avoided.

Mr. Jenkins clarified that he is only proposing the corridors on dry upland, and not 100 yards on either side the entire length of the designated trail.

Ms. Clark asked if there is a need to require camps to be set back from the trail for a distance and she recalled someone mentioning 30 yards as being reasonable. Mr. Jenkins responded this would be desirable.

Mr. Adams explained that many vehicles are designed and built to support camping, and everything one needs is on the buggy. He observed the Cypress is a changing place and Gladesmen are undergoing massive changes. They are private people who prefer privacy when they camp in the backcountry, and for security reasons vehicles need to be kept close. He feels it is a matter of common sense and elevation.

Ms Powell observed that the Preserve is managing three-quarters of a million acres of diverse habitat. It is impossible for staff to place signs on every appropriate upland, and it would be unsightly if they did. She felt designated backcountry camp sites would create user conflicts and management challenges such as having to build and maintain expensive sanitation facilities. Ms. Powell referred to the ORV Benefits study which documented how integral ORVs are to traditional camping activities. A hunter's camp requires far more equipment than a backpacker's, and vehicles provide support functions. She emphasized the need to get to suitable places in vehicles for non-designated site camping, consistent with reasonable guidelines.

Ms. Macdonald remarked that the discussion brought her thoughts back to "destinations", and she reminded committee members she is supportive of access to desired hunting *areas*, but not to *all parts* of those areas.

Mr. Adornato remarked that he prefers to think in terms of the worst case scenario. He said although most people are reasonable and responsible, there are people who might damage the resource by misinterpreting soft areas as uplands. He affirmed that nobody would want toilets installed in the backcountry of Big Cypress, nor the type of designated camp sites that would require such facilities. He felt, however, there may be a need to identify areas appropriate for backcountry camping.

Mr. Gutierrez said there is a problem with managing for worst case scenario. He recommended managing for the majority who use the resource wisely, and leave it up to law enforcement to deal with the few who do not. He felt the 100 yard proposal would work because it applies to both primary and secondary trails, which makes it consistent to enforce.

Mr. Everham, referring back to his remark about uncommon common sense, expressed the opinion that people lacking in common sense would be unlikely to be that far into the backcountry in the first place. He was intrigued by the concept of not creating policy always for the worst case scenario. He recommended developing a flexible policy of having a corridor buffer around trails where habitat is suitable, then evaluating the success six to twelve months later.

Mr. Fuller suggested that once the primary and secondary trails are established, signage can be placed in the suitable upland areas identifying the 100-yard corridor areas and listing activities that are authorized. He reminded committee members that all vehicle operators must take a training course, and that everyone is supposed to know the rules or be subject to penalties.

Mr. Adornato expressed concern that without clear definitions of what constitutes suitable upland, relying upon a vehicle owner's interpretation would make violations unenforceable. He was comfortable with the concept of corridors, but wanted to hear the concerns of law enforcement.

Clarification was sought on whether the width of the proposed corridors should be measured in yards or meters. After a discussion consensus was reached to measure in meters.

Ms. Macdonald observed the corridor proposal is a huge change, making moot the original complicated discussion about pull-offs the committee struggled through. She observed that throughout the entire trail system operators would have the ability to go off the trail for a distance wherever there are uplands. She indicated she is okay with trying it out, but wanted it recognized that it is a big change.

Manley Fuller reaffirmed his belief that signage is necessary to identify appropriate corridor areas.

Mr. Everham asserted that initially signage may not be necessary. But, while they are more intrusive, they would make enforcement easier.

Mr. Jenkins clarified his proposal:

- Establish 100 meter corridor on either side of the trail on upland habitat
- ORV operators would be held accountable for wanton destruction

- His proposal is not restricted to pine uplands alone as there are other open upland habitats such as oak islands that would provide good pull-off areas, so he prefers that the definition remain “upland”.

Mr. Adams urged caution about the term “wanton destruction” as the committee must recognize that there will be some visible impacts. Law enforcement must use discretion.

Mr. Cornell emphasized the importance of an educational component that would teach operators how to distinguish between the different types of habitats and which habitats to avoid. He expressed concern that staff could be overwhelmed if required to place signs, and he recommended they use vegetation maps to prioritize trouble areas.

Ms. Macdonald asserted the need to minimize signage and suggested having educational material at the trail heads. She stressed the intent is to minimize impacts.

Mr. Jenkins observed that education and adaptive management should be the initial approach. If it is abused, the opportunity will be lost.

Public comment, Managing Trail Pull-offs, Disbursed Camping:

William R. Cooper said the ORVAC is headed in the right direction and demonstrating common sense on the 100-meter pull-offs. ORV license holders know the difference between pine islands and wetlands, and anyone who does not has no business operating an ORV in the Big Cypress. He said there is a need for more enforcement of rules.

Roger Bauknight said he only recently became aware of the ORV Advisory Committee. He advised committee members to spend time in the woods to learn more about issues on which they will be making recommendations. He spoke of his family’s multi-generational love for the Cypress. He observed the roads (secondary trails) are out there for a reason as they were routes the old-timers chose to avoid getting stuck, and he did not understand the problem with dispersed use. He thanked the FWC for attendance.

Frank Denninger, Everglades Coordinating Council, thanked Mr. Adams for his comments at the onset of the discussion. He supported Ms. Macdonald for discouraging placement of too many signs, and observed that if a corridor sign system was implemented, the public would see 70 or more along the Oasis trail alone. He felt it was infeasible to print and distribute maps of the pull-off areas due to cost of color maps, as well as the scale the maps would have to be. If signs fall down the public would lose knowledge of where it is deemed appropriate to camp. Also, placing red circles on a map or posting signs is the first step toward designated backcountry camp sites, which are undesirable.

Lyle McCandless spoke on behalf of himself and as president of the Big Cypress Sportsman's Alliance. He warned that it is unlikely there will ever be an adequate primary and secondary trail system. Over 300 miles of requested trails have been reduced to 55 miles of secondary trails. He advised it would be easier to just stipulate that camping is not permitted in prairies and wetland areas, making signage unnecessary. He indicated he had reminded Superintendent Ramos and ORVAC that the settlement agreement provided for a designated trails and/or use area trail system. He said had this been done the problems for which the committee is seeking solutions would have been solved. He repeated an earlier request that Mr. Ramos make sure the committee was made unambiguously aware of the guidelines for secondary trails. Despite the skeletal primary trail system in the Turner River Unit, a proper secondary trail system would provide acceptable access.

Bill Clark, Big Cypress Sportsman's Alliance and Collier County Conservation Club, congratulated the committee for a good discussion. He expressed support for Ms. Macdonald's suggestion for trail head signs in lieu of too many signs in the woods. Mr. Clark felt the 100 meter upland pull-off is reasonable and feels it should be tried for a year to see how it works out. Experienced swampbuggy owners know the difference between upland and wetland. He felt there are not now enough secondary trails for a functional trail system in the Turner River Unit and recommended that the upland corridor system be implemented. People who violate the rule should receive citations.

Eric Kimmel agreed with an earlier remark about the need for common sense regulation. He said the secondary trail system must be improved because even with the pull-off corridors, access will be inadequate. He opposes signs or designated backcountry camp sites. Mr. Kimmel emphasized there is a strong need for accommodations for backcountry access for the handicapped, including disabled youth, as the disabled must be dropped off or assisted to the stands.

Charles Manetta, a retired firefighter from Miami, expressed the opinion that ORVAC is over-engineering the issues. He felt until the designated corridors are complete, dispersed use should be permitted as long as significant damage is not done. He expressed a need for clarification of the difference between empty beer cans being hauled out as trash and violations of the open container regulation. He agrees with Mr. Gutierrez that regulations should not go from loose to highly restrictive. He expressed frustration with not being able to get to preferred hunting areas via a reasonable route, and is considering not coming to the Preserve anymore. What was once a two mile trip along his historical route now requires 4.5 miles of travel, which Mr. Manetta said demonstrates the need to improve the secondary trail system.

Charles Barley advised, "This ain't no parking lot," by which he explained it is not necessary to survey and flag everything for people to know where to go. He felt

ORVAC is getting too bogged down in details, as park rangers currently have necessary enforcement tools. The ground will tell you if it is too soft. Aggressive education and aggressive enforcement can solve all the problems ORVAC was worrying about. He supported the 100 meter corridors, but emphasized that the ORV community is not being *given* any trails at all, as they are already there and are being taken away.

Jules Mazzarantani said it is human nature to get bogged down in details. He said he felt the minutia of regulation is like a noose around his neck. Historically he roamed across a million acres and is now losing everything: the Addition is still closed, Fakahatchee is closed, and Stairsteps Unit is about to be closed. He referred to Turner River trail maps and observed that the average trail is only 15-foot wide, which should be viewed in the perspective of 750,000 acres. He said he can support the 100-meter corridor, but felt it would be inadequate for hunting. Partially disabled, it would be impossible for him to carry drinking water and other supplies necessary for hunting. He recommended a half-mile corridor as more reasonable for hunting.

Following public input, Delia Clark guided the ORVAC in further discussion of pull-offs:

Ms. Powell initiated committee discussion of access for the disabled, which the public speakers identified as a priority. Mr. Gutierrez affirmed that special accommodation for the disabled is warranted. Mr. Adams observed that state wildlife management areas issue special access permits to disabled hunters, or simply allow them sit on the buggy. Mr. Cornell asked that the committee be provided information on current policy related to handicapped access.

Action item: Disabled access will be placed on a future ORVAC agenda.

Manley Fuller recommended that rather than stipulating specific activities within the 100 meter corridor, any lawful activity should be allowed, including disabled drop-offs. Mr. Jenkins agreed that a broad general policy is preferable.

Following the discussion, Ms. Clark guided the committee in offering its recommendations:

Committee recommendations on managing trail pull-offs:

- Distance: 100-meter upland corridor on either side of the trail in clear upland areas for camping, game retrieval, placing tree stands, and other lawful activities.
- Habitat: Uplands will be defined as pinelands, oak hammocks and other high areas that vehicles can drive through without rutting.
- Enforcement: Education through the permitting process will be part of implementing this policy so that the operator can identify upland habitat.

Evaluate the success of the policy within six to twelve months. Vehicle operators will be held responsible for destructive activities.

- Functional trail system: Provide a secondary trail system robust enough to allow hunting and game retrieval without going off trail.

Action Item: Ms. Clark indicated she would draft a memorandum to the superintendent articulating the committee recommendations related to pull-offs. She will circulate the memo to the committee for approval before being finalized in the August 2010 minutes when submitted for approval at the October 2010 meeting.

Following a break, Ms. Clark guided the discussion to Guest Access to private property inholdings:

Chief Ranger Ed Clark summarized the issue: Landowners have private property rights. The NPS issues special use permits allowing property owners and lessees to cross federal lands via designated trails from the access point to their private property. If landowners wish to allow visitors to access their properties between the hours of 10 PM and 6 AM, during the 60-day closure period, or via trails otherwise closed to the public, the NPS provides guest passes which the landowners can give their visitors, either temporarily or permanently, permitting them to use the same trails landowners use to access their property. At this time the NPS typically provides each camp six guest passes, but more are available if needed. The guest passes are camp-specific rather than in the name of the guest.

Chief Ranger Clark explained the process for property owners to apply for and receive special use access permits:

- Property owner must show proof of ownership and officially apply for a property access permit.
- The NPS will evaluate the best access route for appropriateness and sustainability.
- The permit must be signed by all parties and will be valid for two years.
- Property owners are responsible for requesting permit renewals.

Now that the designated trail system is implemented, in the interim before receiving recommendations from the committee, the NPS will stop the recreational trails 100-feet from private property boundaries. Technically, special use permits will be necessary in order to travel the last 100-feet. Mr. Clark solicited recommendations from the committee for making the guest pass system workable, both during the 60-day closure period as well as open recreation periods.

Mr. Jenkins asked if guests are required to have a guest pass if they use their own vehicle to accompany landowners to private property during the closed

period. Mr. Clark responded that, yes, a guest driving his or her own vehicle would be required to have a guest pass to accompany (follow) a landowner to private property.

Mr. Greer asked if the NPS issues care-taker passes. Mr. Clark responded that there is no pass specifically for caretakers. Caretakers must be issued guest passes.

Committee members raised issues that must be resolved or clarified, and they offered solutions:

Mr. Greer observed that members of neighboring camps traditionally gather in fellowship at one another's properties. The guest permit requirement could eliminate this tradition. He said regulations must be structured to easily accommodate socializing and other acts of neighborliness, including assisting each other with security. Mr. Greer indicated that in the area where his camp is located there are many neighboring camps and he preferred the public trail go all the way to his property line as opposed to having to issue three dozen guest permits. He cited an example of another landowner saving his camp from a wildfire in his absence.

Mr. Fuller advised that the pros and cons of the 100-foot private property buffer zone must be evaluated in terms of routine visits vs. trespass security. He solicited the Chief Ranger's perspective on the pros and cons of ending the trails at the property line or some distance away, but Mr. Clark responded that he would prefer not to impose his views on the committee as the NPS wants to hear the committee's thoughts and not Mr. Clark's.

Mr. Gutierrez expressed the opinion that the current process involves too much bureaucracy and, given the history and camaraderie among camp owners, a simple solution would be not to require camp owners to need guest to visit one another. He feels landowners should be permitted to move around as needed.

Ms. Powell observed that some private properties are located in areas frequented by other property owners who help keep an eye on things, while others are in more remote areas where there is less likelihood of witnesses to trespass or vandalism. Still others, such as the property she has interests in, are located in areas closed entirely to recreational ORV access. Solutions must take all scenarios into consideration.

Mr. Hampton reminded the committee that the Turner River Trails Subcommittee had recommended seeking individual landowners' preferences regarding guest access. He added that rather than requiring landowners to initiate the permit renewal process, the NPS should automatically issue renewals unless there has been a change of ownership.

Mr. Adams expressed the opinion that once designated trails are implemented the 60-day closure is no longer necessary and poses an undue burden on neighbor and visitor access to private property.

Mr. Adornato suggested allowing landowners to supply the NPS either the ORV permit number of all approved guests, or list the names all on one permit.

Mr. Everham suggested that perhaps any private property owner could be allowed to visit any other landowner. Several landowners responded that this could result in unintended consequences.

Mr. Jenkins said he felt the issue had become over-complicated and suggested the committee focus on the reason for guest passes, which he perceived to be to authorize an individual to go to a private property owner's camp. If traveling with (following) a landowner, Mr. Jenkins felt they should not be required to have separate permits.

Chief Ranger Clark clarified possible misconceptions. He said permits are needed to demonstrate a reason the ORV operator is in the preserve during a closure period. The purpose of the permit is to allow trail use during closed periods, not to control who has access to private property. Mr. Clark said private landowners are not required to have a recreational ORV permit if they confine their travel to their designated landowner access trail, nor are guests required to have them to travel the designated access trail to the private property.

Ms. Macdonald expressed the opinion that landowner/leasee permits should grant them the authority to visit other landowners/lessees. She clarified the individuals being visited must grant authority for the visitor to actually enter the property.

Mr. Gutierrez expressed concern that curtailing public use of a trail 100 feet from private property may convey the impression of extending private property by that distance.

Mr. Everham questioned whether landowners would embrace the enhanced access proposal allowing all property owners to access every private property in the Preserve. He asked for clarification of the actual problem the committee is attempting to resolve. He expressed concern that unlimited landowner-to-landowner access could theoretically circumvent the 2000 vehicle permit cap, allowing them to travel throughout the preserve under the guise of visiting another private property.

Mr. Gutierrez suggested the guest permits be downloadable online.

Ms. Powell cited an example of a situation that occasionally occurs in the backcountry: A landowner is stranded at camp due to a disabled vehicle and the

person he or she needs to bring the replacement part was not issued a guest permit. She observed that authorization could be conveyed via text message if a cell phone signal could be found.

Chief Ranger Clark reminded the committee whatever recommendation they render must address landowner-to-landowner visitation as well as non-landowner guest access.

Public comment, Guest Access to Private Property:

Frank Denninger, Everglades Coordinating Council, said he has attended private property rights conferences at which attendees were advised that once a landowner accepts an access permit from a federal agency, the landowner has accepted the agency's authority to require the permits. Mr. Denninger expressed the opinion that access to an individual's private property should be, to the extent possible, whatever suits the landowner. He said the committee's discussion of the issue of guest access sounded reasonable.

Lyle McCandless, on behalf of himself and Big Cypress Sportsman's Alliance, expressed the opinion that everything the NPS has done since "day one" was meant to minimize and limit private property uses. He cited a document (Article 33) which he said affirms that the NPS has no jurisdiction over private property. He asserted that while he had not yet researched applicable law, he was unwilling to sign papers agreeing to be required to issue special permits to people he invites to his private property, nor is he willing to agree to limit the mode of transportation he can take to his private property in the United States of America.

Bill Clark, Big Cypress Sportsman's Alliance and Collier County Conservation Club, and also as an individual, said he is not a landowner, but he knows a lot of landowners and frequently drops by their camps when he is in the area. He expressed the opinion that it is a big inconvenience to need a special permit visit friends. He suggested not requiring a special use permit if a primary or secondary trail goes within a hundred meters of a camp. He also suggested requiring recreational ORV permits for all ORVs that go to a camp, in addition to operator permits for the drivers. He expressed the opinion that eliminating the 60-day closure would resolve most of the problems.

Sharon Moyer, private landowner, expressed opposition to authorizing all landowners to travel to any camp throughout the Preserve without special use permits, as most camp owners prefer privacy. Regarding secondary trails ending at the property lines, she voiced concern that turnarounds right at the property lines would leave deep muddy impacts, enticing ORV operators to trespass onto private property to turn around in groomed yards.

Following public comment, Ms. Clark guided the committee into a discussion of recommendations related to guest access:

Mr. Adornato said that based on a speaker's comments, he recommended not authorizing all property owners to travel to any camp. He questioned how law enforcement catalogues special guest passes. Do they want to know how many passes are issued? Or do they want to give landowners control of the guest permits to their lands?

Ms. Connell expressed concern that the guest pass system is a lot for the NPS to have to keep up with.

Dr. Everham recommended allowing trails to terminate at property lines unless the owners object.

Ms. Macdonald requested a briefing by the NPS and FWC related to the 60-day closure. Mr. Fuller responded that the closure was intended to provide a recovery period for the resource, but with implementation of the designated trail system it should be reexamined.

Ms. Clark recapped the Committee discussion:

- Guests physically accompanying landowners would not be required to possess a guest permit.
- End trails at property boundaries unless owners object.
- NPS automatically reissue permits upon expiration.
- Landowners would list ORV permit numbers of guests permitted access to their property during the closed periods.
- A more efficient process is needed for renewing landowner/guest permits.
- Provide landowner-to-landowner access during closure.

Action Item: Ms. Clark indicated she would draft a memorandum to the superintendent articulating the committee recommendations related to guest access to private property. She will circulate the memo to the committee before attaching them to the minutes of the August meeting to be submitted for approval at the October 2010 meeting.

Future agenda item: Landowner access (rather than guest access.)

Update on distribution of ORV permits for 2010: Chief Ranger Clark indicated that all of the recreational ORV permits allocated for 2010 had been issued.

Turner River Unit (TRU) trail implementation update: Bob DeGross, BICY Chief of Interpretation, advised the committee he is charged with coordinating NPS staff and departments in matters related to the ORV Plan. He apologized in advance for inconveniences the public may face downloading maps from the

BICY website in the coming weeks as the NPS is in the process of changing its Internet provider nationwide. He said staff will be working in the field getting track logs. He has received a number of reports from the public of “signage challenges” that need to be corrected, and urged the committee and members of the public to continue to report problems so that staff can correct them as soon as possible.

Mr. DeGross displayed the newest TRU trail map (updated August 9, 2010) for committee review, explaining that it was very similar to July 2010 map of trails recommended by the committee except that it includes a few more secondary trails than the original map. He indicated the committee recommendations are staff’s major focus. He solicited committee questions and remarks.

Mr. Greer reinforced the need for reference points to help people better understand the maps. He indicated that Sand Road has been designated a primary trail; however, due to it’s bad condition it receives light use. He asked when it would be stabilized.

Mr. DeGross explained the trail designation process: First, identify the trails, then conduct a field evaluation, and finally, designate the trail and post signage that allows reasonable travel on the trail until it can be stabilized. He advised the committee, however, that due to budget constraints and the intensive work required for trail stabilization it may be quite a while before trails can be stabilized.

Action item: NPS will provide the committee a schedule of anticipated trail stabilization projects for the 2010 – 2011 dry season.

Mr. DeGross urged the public to help expedite the NPS trail evaluation process by providing waypoints of desired trail heads and coordinates of the general trail route.

Dr. Everham pointed out Windmill Prairie on the map, and asked why there was such a huge area without trails. He asked if trails requested in the area had been rejected due to the entire area being closed, or if they had not yet been evaluated. Mr. DeGross responded that after reviewing the trails on Google Earth, many of the trails lead to private properties, stopping at reasonable turnaround areas. Also, several of the recommendations were simply lines on a sheet of paper that were not necessarily drawn to scale. In some cases, he said, the NPS found trails in the general area and evaluated them based on the presumption they were the requested trails. Mr. Doumlele added that some trails could not be located.

Ms. Powell recalled many of the public requests were submitted in writing, and included contact information. She inquired whether or not the NPS followed up with these individuals seeking clarification of location. Mr. DeGross responded

that in some instances the NPS had followed up. Ms. Powell observed although the NPS had indicated the TRU trails are “substantially complete” it appeared as the effort is going in the wrong direction and substantially incomplete.

Wayne Jenkins pointed out an area of the map, south of where Cypress Lane meets I-75, where two TRU trails had been recommended in 2008 (leading northeast toward the Addition Buffer area) yet they were not depicted on the map. Mr. Doumlele responded that somewhere in the process the trails were dropped, but he could not recall why. Ms. Macdonald recalled the trails had been requested in order to access the general area and not to reach specific destinations.

Action item: The NPS will reconcile their map with Mr. Jenkins' map and determine what happened with the recommendation.

Mr. Greer observed that the primary trails had been reduced to 127 miles. Dr. Everham recalled the committee's contentious debate over interpretations of the ORV plan stipulation that there will be “approximately 140 miles of primary trails.” Comparing the map depicting the committee's recommendations to the new “operationalized map” reflecting a lesser number of trails, Dr. Everham expressed the opinion the committee might want to discuss at the October ORVAC meeting the possibility of making additional recommendations.

Ms. Macdonald recalled the primary trail recommendation was by unanimous agreement, and that the secondary trail recommendation was not unanimous. She acknowledged that all agree there are to be approximately 140 miles of primary trails which had not yet been reached.

Mr. Hampton reported on a recent trip to the woods in which he observed newly posted trails. He expressed disappointment in the signage, citing concerns with placement, visibility, accuracy, and ambiguity. He added concerns that maps are not available at the kiosks.

Curt Witthoff requested consistency in color of trails and scale on future maps.

Mr. Greer observed that Committee participants put their “hearts and souls” and many painstaking hours into developing trail recommendations and found it very disturbing that so many so many trails continue to be lost. He urged an open-minded approach to establishing secondary trails.

Ms. Clark recalled that several committee members requested a more detailed account of why trails were rejected. Mr. DeGross indicated this level of detail will be addressed at the October meeting.

Mr. Fuller asked how many trails have not yet been evaluated. Mr. DeGross was unable to respond specifically, but he pointed out general areas on the map that still require evaluation.

Ms. Powell observed that the public made good-faith efforts and put in a lot of work to make recommendations for sustainable trails, and the Subcommittee endured great stress identifying sustainable trails. She observed the most recent map does not reflect a robust, workable trail system, and suggested the committee go back and develop new recommendations.

Ms. Clark suggested a way to move forward at the October meeting: Mr. DeGross will provide explanations as to why the recommended trails were rejected so that the committee can make an informed decision about whether or not to revisit their recommendations.

Ms. Clark led the committee in recapping information to request for the October 2010 meeting:

- A report on the Preserve's policy related to handicapped access
- A briefing on the 60-day closure period
- An updated schedule of planned trail stabilization work for 2010-2011
- Reconcile NPS maps with Wayne Jenkins' map
- Comparison of number of miles of primary and secondary trails proposed and the actual number of miles the NPS approved
- Report on the reason particular trails were not selected
- Make maps consistent in color and scale, and provide landmarks for reference
- Address issues related to Mr. Hampton's concerns about kiosk information

Public comment related to Turner River Trails:

Randy Whidden, BICY landowner, said he was discharged from the U.S. Marine Corps due to a medical disability. He spoke of his concern about limitations imposed on him, his cousin who is also disabled, and other disabled hunters by the lack of a robust trail system now that the majority of the secondary trails have been closed. He explained that disabled individuals by necessity must remain on vehicles to experience the Preserve. He questioned what accommodations will be made for Americans with disabilities. He expressed concern that a limited secondary trail system will lead to overcrowding on primary trails.

Dennis Macintosh said he lost a leg and broke his back in three places in an automobile accident. He explained that his family has enjoyed Big Cypress for many generations and he has a cultural connection to the area. Without adequate secondary trails, disabled and the elderly hunters cannot access hunt areas, transport hunting equipment, or otherwise fully enjoy the Preserve. He

observed that there are many disabled people who will be affected by the access restrictions.

Frank Denninger, Everglades Coordinating Council, pointed out an error in the description of one of the maps on display, clarifying that it represented the trails recommended by the TRU Trails Subcommittee to the NPS. He emphasized the original map presented to the committee by the NPS, from which the committee worked, containing two or three times more trails requested by the public. Mr. Denninger expressed support for the concept of the committee revisiting the primary trail system if necessary. He presumed the primary trail system was listed in the superintendent's compendium in order to be enforceable, and inquired about the public input process for that compendium. If the public missed the opportunity to submit comments for the primary trail component of the compendium due to lack of knowledge about the National Register, he felt it was vital that they not miss the opportunity for the secondary trail component and suggested future notices be posted on the PEPC website. He expressed the opinion the secondary trail system falls short of being functional for not only the disabled, but for people of average fitness as well. He added that it is important to be able to approach destinations from myriad angles in order for hunters to take advantage of wind directions.

Lyle McCandless expressed his opinion that the overly conservative 55-mile secondary trail system was pre-determined several years ago. He reminded the committee that the NPS had stated that a file would be maintained for each trail requested, including the scientific justification for excluding trails. He felt that individuals deserve documentation as to why their trail recommendations were rejected, yet despite his repeated requests they have not received it. Mr. McCandless said that every trail eliminated from the committee's 110-mile recommendation must be justified and replaced by another trail in order for reasonable access to be provided.

Bill Clark urged the committee to resist pressure to rush recommendations that will result in an inadequate or incomplete trail system in order to adhere to a particular time table.

Rick Sanda described himself as a traditional Gladesman. He requested public access to all areas of the Preserve regardless of land ownership. He expressed concern that there is a potential for anti-Gladesman activists to secure a majority of the 2000 authorized ORV permits in order to limit Gladesmen access, and recommended eliminating the permit cap to eliminate this possibility. Mr. Sanda asked for flexibility in defining primary and secondary trails, as trail use changes throughout the decades. Many of the traditional trails previously mapped have been overlooked. He voiced the need to preserve the Gladesman culture through the Code of Federal Regulation process, as access is vital to the continuation of the culture. As a firefighter he emphasized the need to have access for emergency rescue as well as recreation. The NPS provided Mr. Sanda a copy of

their Frequently Asked Questions document. Mr. Adams clarified for Mr. Sanda that the committee has been advised by the NPS that expanding or eliminating the ORV permit cap is beyond the scope of the committee.

General comment period:

Frank Denninger, Everglades Coordinating Council, expressed the opinion the trail identification and designation process for the TRU was flawed and emphasized the need to improve the process for the Corn Dance Unit (CDU) using Google Earth GPS technology. He worried that the NPS decision to expand the scope of the CDU stakeholder input meeting to encompass portions of the Stairsteps Unit will complicate the process and could distract stakeholder focus. He urged committee members not to allow either themselves or the public to be rushed into making recommendations.

Lyle McCandless, speaking personally and on behalf of Big Cypress Sportsman's Alliance, indicated he had personal knowledge that Collier County Commissioner Jim Coletta, whose district includes the Preserve, expressed interest in serving on ORVAC. Mr. McCandless listed Mr. Coletta's many attributes and urged someone on the committee to nominate Mr. Coletta for appointment to a vacant seat.

Bill Clark, Big Cypress Sportsman's Alliance, distributed to committee members copies of a map of Turner River trails for review. He observed that many secondary trails depicted are labeled private property access, and it appears as if the NPS intends for them to be used exclusively by landowners. Mr. Clark asserted that it is not reasonable to deny the general public use of good upland trails in this manner, and expressed the opinion the practice will create "private preserves" for property owners. He cited a specific landowner access trail leading north from Concho Billie Trail as an example of his concern, and recommended that it be designated as a primary trail. He expressed the opinion that landowner-only trails should not be calculated as recreational trail mileage. Mr. Clark voiced a need for more secondary trails south of Austin's Pasture. He observed that this area has been a historical hub for traditional uses for many years, and offered assurances that the trails are sustainable. At the conclusion of his comments, Mr. Clark responded to questions posed by the committee. Lyle McCandless was asked by a committee member to approach the podium to assist Mr. Clark in demonstrating that one particular restricted-access landowner trail is more than three miles long. Mr. Adams reminded the committee that the Turner River Trails Subcommittee agreed upon the need to provide public use of long private property access trails of this kind.

Rick Santa, Airboat Association of FL, expressed the opinion that the Preserve was intended to be used by everyone. Access, he said, is our children's legacy, and he beseeched the committee to prevent this legacy from being lost through

overregulation. He added that Gladesman uses do not pose a threat to the resource.

Wrap Up: Delia Clark and the committee engaged in a discussion about meeting time management, and the difficult task of prioritizing between depth of discussions verses falling behind schedule, and having to drop agenda items verses extending the meeting. Committee members affirmed that highest priorities should be placed upon working on an issue until it is resolved, as well as providing adequate opportunity to receive public input.

Action item: The Agenda Subcommittee will strive to develop more realistic agendas, focusing on the most crucial issues. They will try to anticipate areas where public interest or arising complexities may require discussions to go long. Less crucial items, such as “FYI” staff reports, may be placed on the agenda with the understanding that they can be deferred to another meeting in the interest of time.

Agenda items for the October 26, 2010 ORVAC meeting: Ms. Clark solicited Committee recommendations for agenda items for the next ORVAC meeting. They are:

- Scientific research needs
- Report on the Corn Dance Unit trails public meeting
- Detailed update on Turner River Unit trails
- 60-day closure
- Landowner access

Nationwide ORV management models: Dr. Everham reported that he recently attended a land management conference at a desert venue and learned that many agencies are tasked with managing ORVs; however, no other land unit appears to face the scope of unique challenges as Big Cypress.

Action item: Individual committee members and NPS staff will investigate other useful models for ORV management employed around the nation.

Adjournment: There being no further business, the meeting was adjourned.